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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/641,031
Filing Date: August 16, 2000
Appellant(s): RAICHUR ET AL.

Jeffrey D. Meyers
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 08/21/2007 from the Office action mailed

07/27/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US005970489A   Jacobson et al.   Filed   05/20/1997

US006338059B1   Fields et al.   Filed   12/17/1998

US006209007B1   Kelley et al   Filed   11/26/1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 5-9, 13-17, and 21-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Jacobson** et al (hereinafter "Jacobson"), US 5,970,489 filed

5/20/1997 inview of **Fields** et al. (hereinafter "Fields"), US 6,338,059 131 12/17/1998.

Regarding independent claims 1, 9, and 17, Jacobson teaches providing an index server maintaining a permanent but dynamic index to hypertext transmission protocol pages and employing a hierarchical plurality of topic categories whose contents are maintained and updated by the index server in fig. 1, col. 1 lines 52-63, and col. 2 line 33 - col. 3 line 50. Jacobson teaches permitting a user to specify any subset of the plurality of topic categories in fig. 1, 2, col. 3 line 1 - col. 5 line 15. Jacobson teaches a user controlling information permitting execution of searches of the index server in any category of the subset but only categories of the subset in fig. 3, col. 5 lines 16-46, and col. 8 line 3 - col. 11 line 26.

Jacobson does not teach adding the search information into a link that can be incorporated into a hypertext transmission protocol page. Fields does teach adding search information into a link that can be incorporated into a hypertext transmission protocol page in col. 1 line 65-- col. 2 line 17 and col. 3 lines 5-22.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Jacobson and Fields to have created the claimed invention. It would have been obvious and desirable to have implemented the user-definable region-set focused, keyword searching of Jacobson into a hyperlink as taught by Fields to have facilitated a user's search of an index as taught by Fields in col. 2 line 1-6 and col. 5 lines 26-33 and as taught by Jacobson in col. 1 lines 43-49 and col. 11 lines 19-27.

Regarding dependent claims 5, 13, and 21, Jacobson teaches allowing

the user to rename one or more categories of the subset, as it will appear on the

hypertext transmission protocol page controlled by the user in fig. 1, 2, and col. 3

line 1 - col. 5

line 15.

Regarding dependent claims 6, 14, and 22, Jacobson teaches allowing the

user to rearrange hierarchicalization of one or more categories of the subset, as it will

appear on the hypertext transmission protocol page controlled by the user in fig. 1, 2,

and col. 3 line 1 - col. 5 line 15.

Regarding dependent claims 7, 15, and 23, Jacobson teaches permitting the

user within a branch of a hierarchy of categories to either include or exclude

subcategories in the branch or both in fig. 1, 2, and col. 3 line 1 - col. 5 line 15.

Regarding dependent claims 8, 16, and 24, Jacobson teaches wherein the

user may specify any subset of the plurality of topic categories by the user at any time,

whereby the information is dynamically updated to correspond to the new subset in

fig. 1, 2, and col. 3 line 1 - col. 5 line 15.

Claims 2-4, 10-12, and 18-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Jacobso**n et al (hereinafter "Jacobson"), US 5,970,489 filed

5/20/1997 in view of **Field**s et al. (hereinafter "Fields"), US 6,338,059 131 12/17/1998

as applied to claims 1, 9, and 17 above, and further in view of **Kelley** et al. (hereinafter

"Kelley"), US 6,209,007 B1 filed 11/26/1997.

Regarding dependent claims 2, 10, and 18, Jacob teaches permitting a user to

search and adjust one or more categories of the subset of pages maintained by the

index server in fig. 1, col. 1 lines 52-63, and col. 2 line 33 - col. 3 line 50. Jacobson

does not teach permitting the user to propose addition of a hypertext transmission

protocol page to the index server in conjunction with one or more categories of the

subset and automatically adding the proposed page to the index server wherein the

user can search the proposed page via the link information and wherein initially other

users will not search the proposed page even if searching the proposed one or more

categories.

In addition Jacob does not expressly teach, but Kelly teaches: permitting a user to

propose addition of hypertext transmission protocol page to an index server and

automatically adding the proposed page to the index server wherein the user can

search the proposed page via the link information and wherein initially other users will

not search the proposed page in fig. 10, col. 4 lines 19-23, and col. 9 lines 22-24.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have combined the teachings of Jacobson, Fields, and Kelley to have

created the claimed invention. It would have been obvious and desirable to have used

the user URL index customization as taught by Kelley to have improved Jacobson and

Fields so that the search index could have been customized as taught by Kelley in col.

4 line 19-23 and col. 9 lines 22-24

Regarding dependent claims 3, 11, and 19, Jacob teaches permitting a user

to search and adjust one or more categories of the subset of pages maintained by the

index server in fig. 1, col. 1 lines 52-63, and col. 2 line 33 - col. 3 line 50. Jacobson

does not teach verifying that a uniform resource locator address for the proposed

page is valid and that the proposed page is not already indexed under the proposed

one or more categories. Kelley teaches verifying that a uniform resource locator

address for the proposed page is valid and that the proposed page is not already

indexed under the proposed one or more categories in fig. 10, col. 4 lines 19-23, and

col. 9 lines 22-24. It would have been obvious to one of ordinary skill in the art at the

time the invention was made to have combined the teachings of Jacobson, Fields, and

Kelley to have created the claimed invention.

It would have been obvious and desirable to have used the user URL index

customization as taught by Kelley to have improved Jacobson and Fields so that the

search index could have been customized as taught by Kelley in col. 4 line 19-23 and

col. 9 lines 22-24.

Regarding dependent claims 4, 12, and 24, Jacob teaches permitting a user to search and adjust one or more categories of the subset of pages maintained by the index server in fig. I, col. 1 lines 52-63, and col. 2 line 33 - col. 3 line 50. Jacobson does not teach subsequently allowing other users to search the proposed page when searching one or more of the proposed one or more categories. Kelley teaches subsequently allowing other users to search the proposed page when searching one or more of the proposed one or more categories in fig. 10, col. 4 lines 19-23, and col. 9 lines 22-24.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Jacobson, Fields, and Kelley to have created the claimed invention. It would have been obvious and desirable to have used the user URL index customization as taught by Kelley to have unproved Jacobson and Fields so that the search index could have been customized as taught by Kelley in col. 4 line 19-23 and col. 9 lines 22-24.

(10) Response to Argument

Brief description of cited prior art:

Jacobson et al. discloses a mechanism focusing web searches in a hierarchical structure by focusing the search to selected regions within the structure by augmenting topic-based hierarchical directories (i.e. region set) that allow users to navigate the topic/sub-topic hierarchy and pose keyword-based queries to locate documents classified under any specific topic of interest (see Jacobson at the Abstract, and at Column 8 Table 3 and Lines 50-55). A region set is a set of regions that are related to one another based on a selected criterion. For example, in the web domain a region-set could be constituted by all of those regions corresponding to web pages. Each region in a region-set is specified by giving the name of the root and the region includes the entire set of documents at or hierarchically below that root (i.e. Hierarchical structure or tree) see Jacobson at Column 3, Lines 1-30.)

Fields et al. disclose a method for adding information into an element (i.e. link) of a new or existing webpage (i.e. a hypertext transmission protocol page - see Fields at col. 1, lines 65-67 also see Fig.1A-4).

Kelley et al. providing individual customization to include only the subset of data that a particular user finds of interest while still retaining the basic structure of the web page from the original document as a customized web page containing information from other web pages accessible by a client computer from an inter- or intra-net (i.e. allows

user to add addition to a web page (i.e. a hypertext transmission protocol page) - see

Kelly at col. 1, lines 20-25).

Interpretation of Claim Language:

It is noted that the term(s) and/or phrase(s) are construed as follows:

"*HYPERTEXT TRANSMISSION PROTOCOL PAGES*" are Internet web pages.   This

interpretation is supported by Appellant's Specification which states "method of

providing personalized search capabilities of hypertext transmission protocol pages

comprising: providing an index server maintaining an index to hypertext transmission

protocol pages..." Page 2 Lines 15-20.

"*HIERARCHICAL*" means having an organization of levels/sublevels within a particular

group. This interpretation is supported by Appellant's Specification, which states

"*hierarchicalization of one or more categories of the subset,*" at Page 2 Lines 15-20.

Response to Arguments:

Beginning on page 10 of the appeal brief (hereinafter the brief), Appellant argues

the following issues, which are accordingly addressed below.

Appellant argues, claims 1, 9 and 17 improperly rejected under 35 USC 103 (a) as

being unpatentable over Jacobson, in view of Fields, because of the following:

- Jacobson fails to teach *"hierarchical plurality of topic."* because
  Jacobson's *"region-sets"* are one-dimensional lists of websites, and have
  no hierarchy and does not contain topic categories, as claimed in the
  present invention- See the brief at Pg 10 Par 1-3.

The examiner respectfully disagrees.

Jacobson describes the short coming of many of the search engine provided
web directories, for example Yahoo (http://www.yahoo.com/) and Infoseek
(http://www.infoseek.com) and seeks to address the problem of too many matches by
providing TOPIC-BASED HIERARCHIAL DIRECTORIES that allow users to navigate
the topic/sub -topic hierarchy and pose keyword-based queries to locate documents
classified under any specific topic of interest (See Jacobson at Column 1, Lines 25-35)

Jacobson discloses an improved mechanism that enables the user to specify
regions of the hierarchical structure as being of interest. The particular mechanism
focuses web searches in a hierarchical structure by focusing the search to selected
regions within the structure by augmenting topic-based hierarchical directories (i.e.
region set). This allows users to navigate the topic/sub-topic hierarchy and pose
keyword-based queries to locate documents classified under any specific topic of
interest (see Jacobson at the Abstract, and at Column 8 Table 3 and Lines 50-55).
Thus, Jacobson clearly discloses a hierarchical structure.

Jacobson further discloses REGION-SETs. Region-sets are a set of regions that
are related to one another based on a selected criterion. For example, in the web

domain a region-set could be constituted by all of those regions corresponding to web

pages. Each region in a region-set is specified by giving the name of the root and the

region includes the entire set of documents at or hierarchically below that root (i.e.

Hierarchical structure or tree) see Jacobson at Column 3, Lines 1-30.) Thus, Jacobson

clearly discloses topic categories.

In addition, the Appellant argues,

- *"WEB INDEX"*, is not tree of the WebPages or *"region"* as taught by

Jacobson- See the brief Page 10 Last Para.

The examiner respectfully disagrees.

"WEB INDEX" means Web page that provides a list of other Web pages, which is

categorized by topic and is searchable. This interpretation is supported by Appellant's

Specification, which states *"FIG. 1. Web page servers (22) are attached to the Internet*

(26). These servers contain web pages that will be linked from a web index as well as

web, and further discloses in Fig. 2 a generalized flowchart of the process of

customizing an individual web index." at Page 8 Lines 10-25, Page 9, Line 25→ Page 9,

Line 1.

Jacobson discloses a hierarchically structured information space. the information

space is a crude representation of what is commonly referred to as the World Wide

Web. The structure includes a plurality of hierarchical levels. For instance, at the level

10 are nodes "org", "com", "edu", and "gov". Each of these nodes can be said to

constitute the root of an entire region, which includes all of the documents hierarchically below that node. For instance, at one level below the node "com" could be the nodes "xyzcomp", 20, att, 21, and nytimes, 23. Then it can be said that each of these second level nodes define roots of other more particular regions (see Jacobson at Fig.1 and also Col. 2, Lines 30-50.)

Jacobson further discloses REGION-SETs. Region-sets are a set of regions that are related to one another based on a selected criterion. For example, in the web domain a region-set could be constituted by all of those regions corresponding to web pages; Each region in a region-set is specified by giving the name of the root and the region includes the entire set of documents at or hierarchically below that root (i.e. Hierarchical structure or tree). In other words, it is WEB PAGE THAT PROVIDES A LIST OF OTHER WEB PAGES, which is categorized by topic and is searchable (see Jacobson at Column 3, Lines 1-30.) Thus, Jacobson clearly discloses web index.

In addition, the Appellant argues,

- *"Jacobson TEACHING AWAY from the current invention",* because of its "ONE DIMEMSIONAL LIST OR REGION SETS"- See the brief Page 10 Para 3.

The examiner respectfully disagrees.

Firstly, the Examine believes the appellant arguments; specifically the limitation of "ONE DIMEMSIONAL LIST OR REGION SETS" is not positively recited in the claim

language. Further, there is nothing in Jacobson, which teaches away from the claimed

invention. Appellant has merely pointed to his overly narrow interpretation of the claim

limitations to support his argument and has identified no teaching in Jacobson, which

precludes its modification as set forth in the rejections.

Appellant argues, claims 1, 9 and 17 improperly rejected under 35 USC 103 (a) as

being unpatentable over Jacobson, in view of Fields, because of the following:

- Jacobson fails to teach *"permitting a user to specify any subset of the*

  plurality of topic categories; and" because Jacobson's *"create and specify*

  subset of its region set" are not *"topic categories"*, as claimed in the

  present invention- See the brief at Pg 11 Para 1.

The examiner respectfully disagrees.

As discuss above, Jacobson discloses the topic categories of the short coming of

many of the search engine provided web directories, for example Yahoo

(http://www.yahoo.com/) and Infoseek (http://www.infoseek.com) and seeks to address

the problem of too many matches by providing TOPIC-BASED HIERARCHIAL

DIRECTORIES that allow users to navigate the topic/sub -topic hierarchy and pose

keyword-based queries to locate documents classified under any specific topic of

interest (See Jacobson at Column 1, Lines 25-35)

Jacobson further discloses an improved mechanism that enables the user to specify regions of the hierarchical structure as being of interest. The particular mechanism focuses web searches in a hierarchical structure by focusing the search to selected regions within the structure by augmenting topic-based hierarchical directories (i.e. region set). This allows users to navigate the topic/sub-topic hierarchy and pose keyword-based queries to locate documents classified under any specific topic of interest (see Jacobson at the Abstract, and at Column 8 Table 3 and Lines 50-55). Thus, Jacobson clearly allowed a user to specify any subset of the plurality of topic categories.

Appellant argues, claims 1, 9 and 17 improperly rejected under 35 USC 103 (a) as
being unpatentable over Jacobson, in view of Fields, because of the following:

- _"the prior art shows merely an index that is partially customizable but not_
  hierarchical. In the prior art, what is indexed is hierarchical, but not the
  index itself. The primary reference teaches away from a hierarchical topic
  index structure by using merely a flat structure of region-sets- See the
  brief Pages 12 Para 3.

The examiner respectfully disagrees.

Jacobson discloses an ordered hierarchy. For ordered hierarchies region-sets are represented as sorted lists of elements from an ordered hierarchy (see Jacobson at Col. 5, Lines 10-15).

Jacobson further discloses a mechanism that enables the user to specify regions of the hierarchical structure as being of interest. The particular mechanism focuses web searches in a hierarchical structure by focusing the search to selected regions within the structure by augmenting topic-based hierarchical directories (i.e. region set). This allows users to navigate the topic/sub-topic hierarchy and pose keyword-based queries to locate documents classified under any specific topic of interest. This allows user to search Web page that provides a list of other Web pages, which is categorized by topic (i.e. web index) (see Jacobson at the Abstract, and at Column 8 Table 3 and Lines 50-55). Thus, Jacobson clearly discloses index and hierarchical.

Further, there is nothing in Jacobson, which teaches away from the claimed invention. Appellant has merely pointed to his overly narrow interpretation of the claim limitations to support his argument and has identified no teaching in Jacobson, which precludes its modification as set forth in the rejections.

In addition, the Appellant argues,

- during a telephone interview, the Examiner had other misconceptions concerning the invention that should be pointed out, which are next discussed to avoid their further propagation. The Examiner opined that a

site administrator could alter an index hierarchy (for example in a prior art

search engine, such as Yahoo.com), and that Applicants' invention would

read on that. This illustrates three misconceptions."

>*First (and principally), a site administrator acting in such capacity*

would not be a "user" as understood by one of ordinary skill in the art.

>*Second, the Examiner should not be using non-cited prior art in order*

to object to Applicants' claims.

>*Third, the Examiner should not be rejecting a claim based upon an*

added reference for a single claim element, as the claim as a whole must be

considered. See the brief Pg 11 Par 4.

>Also, the Appellant argues: "*ANY*" means "*ANY*", and anyone of

ordinary skill in the art would so read it. See the brief Page 11 para 5.

>*Also, the Appellant argues Jacobson fails to teach the ability to*

choose a single subset, See the brief Pages 11 Para 2→ Page 12 Top.

The examiner respectfully disagrees.

The above alleged, said during an interview, which was not part of the record (i.e.

There was not any interview summary of record or any written record that indicated the

above alleged). Further, 37 CFR 1.2 states, "All business with the Patent and

Trademark Office should be transacted in writing. The personal attendance of

applicants or their attorneys or agents at the Patent and Trademark Office is

unnecessary. The action of the Patent and Trademark Office will be based exclusively

on the written record in the Office. No attention will be paid to any alleged oral promise,

stipulation, or understanding in relation to which there is disagreement or doubt. Thus

the above argument(s) is moot.

Appellant argues, claims 2-4, 10-12, and 18-20 improperly rejected under 35 USC 103

(a) as being unpatentable over Jacobson, in view of Fields, further in view of Kelley

because of the following:

- Kelley fails to *cure the above noted deficiencies of Jacobson and field.*
  See the brief Pages 12 Para 2, Bottom Half and also see the brief Pages
  15 Section (ii).

The examiner respectfully disagrees.

As discuss in the above, Jacobson has taught all of the Appellant's augments

thereof (see above for details).

First, as discuss a above Appellant argues, claims 1, 9 and 17 improperly

rejected under 35 USC 103 (a) as being unpatentable over Jacobson, in view of Fields.

Second, Since Appellant does not particular argument any specific patentability

of Kelly. Therefor this argument is moot. For clarification, Jacobson has taught all the

required and arguments as alleged by the Appellant and based upon all the above

evidences, claims 1, 9 and 17 are properly rejected under 35 USC 103 (a). Accordingly,

the dependencies (i.e. claims 2-4, 10-12, and 18-20) are properly rejected under 35

USC 103 (a) as well for at least the reason cited above.

Therefore the Examiner respectfully maintains the rejection of claims 1-24, and should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Quoc A, Tran/
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 11/19/2007

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